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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,272	09/28/2001	Carlton Bartels	CF-55	6788
1473	7590	11/10/2003	EXAMINER	
FISH & NEAVE 1251 AVENUE OF THE AMERICAS 50TH FLOOR NEW YORK, NY 10020-1105			SNAPP, SANDRA S	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/967,272

Applicant(s)

BARTELS ET AL.

Examiner

Sandra Snapp

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-21 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 7-2-2 was filed in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "late breaking" in claim 18 is a relative term which renders the claim indefinite. The term "late breaking" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite time, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Pugliese III, et al. publication (US 2001/0044751 A1).

The Pugliese reference discloses a method for simulating trading using an electronic trading application, comprising:

Allowing a user to participate in an electronic trading simulation (page 1, paragraph 0008 - simulates live auction) and allowing a simulation administrator to modify parameters in connection with the electronic trading simulation in real-time (page 1, paragraph 0008 - real time)(claims 1, 7 and 21);

Allowing the administrator to log on (page 7, paragraph 0139 - ShopLive Administrators, it is inherent in an online system that the participants must log on to the system)(claim 2);

Allowing the administrator to modify a real-time timeline (page 20, paragraph 0375 - scheduled events)(claim 3);

Allowing the administrator to create a news announcement (page 20, paragraph 0375 - notifications)(claim 4);

Allowing the administrator to release the news announcement (page 20, paragraph 0375 - notifications)(claims 5 and 6);

Allowing the administrator to modify parameters in connection with an organization that is participating in the simulation (page 7, paragraph 0139)(claim 8);

Allowing the administrator to modify parameters in connection with a country that is participating in the simulation (page 7, paragraph 0139)(claim 9);

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Allowing the user to log on (page 13, paragraph 250)(claim 10);

Allowing the user to review information about the electronic trading simulation (page 7, paragraph 0135 & 0136)(claim 11);

Allowing the user to select an organization to participate in the simulation (page 10, paragraph 0194 & 0195)(claim 12);

Allowing the user to review the position of an organization selected to participate (page 10, paragraph 0194 & 0195)(claim 13);

Allowing the user to generate credits in connection with an organization selected to participate (page 22, paragraph 0387 - incentives)(claim 14);

Allowing the user to review a news announcement (page 20, paragraph 0375 - notifications)(claim 17);

Allowing the user to review a late breaking news announcement (as best understood – page 20, paragraph 0375- notifications)(claim 18);

Allowing the user to review a timeline of sessions of the electronic trading simulation (page 20, paragraph 0375 – scheduled events)(claim 19); and

Allowing the user to review a report at the end of the electronic trading simulation (page 4, paragraph 80 - reports)(claim 20).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugliese reference as applied to claim 1 above, and further in view of Sowinski (US 6,601,033 B1).

The Pugliese reference discloses the elements of the present invention except for allowing the user to trade carbon dioxide equivalent emission reductions using the electronic

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trade application. The Sowinski reference teaches allowing the user to trade carbon monoxide equivalent emission reductions using the electronic trade application (col. 1, lines 43-54 – exchanges and col. 6, line 64- carbon monoxide reductions)(claim 16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Pugliese reference with the teachings of the Sowinski reference because an auction system allows for buyers and sellers in various geographic regions to trade excess emission reductions while allowing those in need to acquire such reductions. Since Pugliese discloses a trading system for any type of good, and also since Sowinski discloses a trading system specifically geared toward carbon monoxide reductions, it would have been obvious to combine the “goods” of the Sowinski patent with the auction of the Pugliese patent so as to reach an expansive audience yet provide a reasonable means of trading reductions.

Also, although the Sowinski reference specifically discloses a system for carbon *monoxide* emission reductions, the Examiner takes Official Notice that the actual number of carbon molecules present in the emission is irrelevant to the trading system therefore. It would be obvious to use the same trading system for carbon *monoxide* and for carbon *dioxide* emission reductions since the actual process is really directed to the trading of a good, in this case an emission reduction. And the trading system is capable of working with any type of good that would encompass both carbon monoxide emission reductions as well as carbon dioxide emission reductions.

Allowable Subject Matter

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Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose or show a method for simulating trading wherein the user is allowed to generate internal reductions in connection with an organization within the system.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Harrington et al., Messmer et al., Pugliese, III et al., Selleck, Ausubel (both), Erickson, and Annunziata patents all disclose electronic systems having simulations encompassed therein. The Soestbergen et al., Shoham, Fisher et al., and Levine et al. patents are all directed to electronic auction systems. The Erickson, Sowinski and Satake patents all disclose various types of electronic systems associated with resources.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Snapp whose telephone number is 703-305-6940. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

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**VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**